

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRE DA COSTA,

Defendant.

NO. CR 06-37 RSM

ORDER
CONTINUING TRIAL DATE

Based upon the reasons stated in the joint motion of the parties to continue the trial date, and upon a review of the records and files herein, this Court adopts the stipulation of the parties and FINDS and RULES as follows:

The parties have jointly moved for a continuance of the trial. As grounds therefore, the parties have cited the unusual and complicated nature of the government's case, which involves a conspiracy to smuggle and transport illegal aliens, and involves other countries, including Brazil and Mexico, and other states, from Texas to Massachusetts. The parties have agreed that a continuance of the trial date is essential to ensure adequate preparation for trial and to ensure that the defense has an adequate opportunity to thoroughly investigate defense theories. A continuance of the trial date will ensure continuity of counsel, taking into account due diligence, and reasonable time necessary for counsel to effectively prepare for trial.

The parties agree that the ends of justice served by granting this motion to

1 continue outweigh the best interest of the public and defendant in a speedy trial. The
 2 defendant further agrees that he will execute an effective waiver of his rights under the
 3 Sixth Amendment and the Speedy Trial Act, Title 18, United States Code, Sections 3161-
 4 3174, which shall include the agreement that the period from the date of this Court's
 5 Order until the new trial date of May 22, 2006, shall be an excludable period of time
 6 pursuant to Title 18, United States Code, Section 3161(h)(8)(A).

7 It therefore appearing to the Court that the case is unusual and it would be
 8 unreasonable to expect adequate preparation for pretrial proceedings and for the trial
 9 itself without a continuance, even with diligent and good faith efforts by counsel to
 10 prepare for trial, and it further appearing that the ends of justice served by granting the
 11 requested continuance outweigh the interest of the public and the defendant in a speedy
 12 trial,

13 IT IS ORDERED that the trial date be continued from April 10, 2006, until
 14 May 22, 2006.

15 IT IS FURTHER ORDERED that the period of delay from the date of this Order,
 16 until May 22, 2006, is excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A), for the
 17 purpose of computing the time limitations imposed by the Speedy Trial Act,

18 DATED this 31st day of March, 2006.

19
 20 

21 RICARDO S. MARTINEZ
 22 UNITED STATES DISTRICT JUDGE

23 Presented By:

24 JOHN McKAY
 25 United States Attorney

26 /s/ Tessa M. Gorman
 27 TESSA M. GORMAN
 28 Assistant United States Attorney
 WSBA# 35908
 United States Attorney's Office
 700 Stewart Street, Suite 5220
 Seattle, Washington 98101

1 Telephone (206) 553-4994
2 Facsimile (206) 553-0755
3 Email: Tessa.Gorman@usdoj.gov

3 /s/ Paula Semmes Deutsch*
4 PAULA SEMMES DEUTSCH
5 Assistant Federal Public Defender
6 WSBA # 16093
7 Counsel for ANDRE DA COSTA
8 Federal Public Defender's Office
9 1601 Fifth Avenue, Suite 700
10 Seattle, Washington 98101
11 Telephone (206) 553-1100
12 Facsimile (206) 553-0120
13 Email: paula.deutsch@fd.org

9 *Signed electronically per telephone authorization.